

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number 10/615,344

Filing Date July 8, 2003

First Named Inventor Edward Jonathan Brush

Art Unit 3629

Examiner Name

Total Number of Pages in This Submission

5

Attorney Docket Number 2502985-991100

**ENCLOSURES (Check all that apply)**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                     | <input type="checkbox"/> Petition  | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application  | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer   | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund  | Return-Receipt Postcard;  |
| <input checked="" type="checkbox"/> Information Disclosure Statement         | <input type="checkbox"/> CD, Number of CD(s) _____   | Copy of 1 reference;  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <b>Remarks</b>   |   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    | The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed. |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | Customer No. 29585   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |  |
|-------------------------|--|
| Firm or Individual name | David L. Alberti, Reg. No. 43,465<br>Gray Cary Ware & Freidenrich, LLP<br>153 Townsend Street, Suite 800, San Francisco, CA 94107-1907 |
| Signature               |  |
| Date                    | 12/15/2003   |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name Gerry Ubau

Signature

Date 12-15-03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1

of 2

### Complete if Known

|                        |                       |
|------------------------|-----------------------|
| Application Number     | 10/615,344            |
| Filing Date            | July 8, 2003          |
| First Named Inventor   | Edward Jonathan Brush |
| Art Unit               | 3629                  |
| Examiner Name          |                       |
| Attorney Docket Number | 2502985-991100        |

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying form, SB/08b for consideration by the Examiner in connection with the examination of the above-identified patent application.

#### This Information Disclosure Statement:

- (a) ☐ accompanies a new patent application submitted herewith.
- (b) ☒ is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; **OR**
- (c) ☐ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below **OR**
- (d) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below.  
This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (e) ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (f) ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Each item of information listed in the attached FORM PTO/SB/08b may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR 1.56, 1.97 and 1.98. The Examiner is requested to make these items of official record in this application.



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

Sheet 2 of 2

**Complete if Known**

|                        |                       |
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| Art Unit               | 3629                  |
| Examiner Name          |                       |
| Attorney Docket Number | 2502985-991100        |

This Information Disclosure Statement under 37 CFR 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this submission as a conditional petition for acceptance of the information disclosure statement.

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 07-1896.

Date: 12/15/2003

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

By: David L. Alberti  
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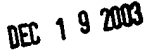
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12-15-03

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Gerry Ubau



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| First Named Inventor | Edward Jonathan |
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| Art Unit | 3629 |
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| Examiner Name |  |
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|------------------------|----------------|
| Attorney Docket Number | 2502985-991100 |
|------------------------|----------------|

Sheet 1 of 1

**Examiner  
Initials\***

Cite  
No.<sup>1</sup>

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

 $\tau^2$ 

Declaration of Covenants, Restrictions and Easements, 9 pages

**Examiner  
Signature**

Date  
Considered

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, US. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**